

From: todd ferguson
To: Microsoft ATR
Date: 1/25/02 3:02pm
Subject: Microsoft Settlement

Dear Sir or Madam:

I feel that the proposed settlement of the Microsoft anti-trust case will not be effective in combating the illegal practices of the company. Furthermore, I feel that the real issues of Microsoft's illegal activities have yet to be addressed. I mainly object on these three points:

- 1) They have used their monopoly to push around computer manufacturers, thus forcing competing operating system (OS) makers out of business, and keeping other operating systems to an extremely marginal market share.
- 2) They keep their file formats (especially "Office" formats) closed, making it harder for other applications to gain a foothold in the market.
- 3) They keep their application programming interface (API) for Windows secret, making it more difficult to compete against them.

I am a user of several alternative operating systems. Thus far, no other OS's have been able to gain market penetration to a substantial degree.

This is largely due to Microsoft's restrictions upon, and threats against computer manufacturers. In one publicly disclosed incident, the company Hitachi was ready to ship computers that could boot into either Microsoft Windows or the Be Operating System. When Microsoft heard about this, they threatened Hitachi by saying they would revoke their license to sell Windows on their computer systems. Faced with losing the ability to pre-install the most widely used OS on their computers, Hitachi chose to remove the ability to boot into the BeOS from their computers. People are much more likely to use an OS if it come with their computer. Because people have not been able to get computers with both Windows and other alternative OS's installed, Microsoft has managed to maintain its grip on the OS market.

My second grievance I think becomes clearer when we look some other areas of computer technology. There are numerous choices in the fields of computer graphics design, viewing, and editing, computer audio design, recording, playback, and editing, and computer video design, playback, and editing. These are also all markets where Microsoft has failed to gain the substantial market share that it has in other computer markets (e.g. OS's and Office software). I think the most important reason is that open file formats (e.g. jpeg, mpeg, .wav, etc.) became the standard in these areas of media production, before the closed file formats of Microsoft had a chance to take hold. In the area of Office suites, however, Microsoft was able to get an appreciable market share early on, and the world now has, literally, billions of documents, spreadsheets, etc. in MS Office format. People will not try out another Office suite, because none of them will open up these files correctly, because Microsoft has not disseminated the necessary information about these file formats.

Third is the API. The only people that have full access to the Microsoft API is Microsoft. How can another company expect to publish competing software on the Windows platform, if they do not have access to all the

tools necessary for writing software for that platform. Many companies have to write their own API's for Windows, because they cannot get the needed information from Microsoft. This is yet another clear abuse of Microsoft's monopoly.

The current settlement addresses these issues little, if at all. I would please ask you to reconsider the proverbial slap to the wrists that you are about to give Microsoft, and come up with a solution that will actually bring about change, and return fair play and competition to the computing industry. Any settlement needs to prevent Microsoft from bullying computer manufacturers, needs to force them to open their file formats, and needs to force them to publish their API's. Anything less than that, I feel, will be to little to do any good.

Sincerely,

Todd Louis Ferguson

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"We are the music makers, we are the dreamers of dreams."

-Gene Wilder, Willy Wonka and the Chocolate Factory

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